

The opinion in support of the decision being entered today is not binding precedent of the board

Paper 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte CHRISTOPHER A. SCHANTZ, KYLE J. SCHLEIFER,  
WILLIAM D. FISHER, MICHAEL P. CAREN and PETER G. WEBB

Appeal 2003-1673  
Application 09/558,532<sup>1</sup>

MAILED

SEP 15 2004

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Before: McKELVEY, Senior Administrative Patent Judge

**Acknowledgement of request of documents**

On 26 May 2004, a merits panel of the Board entered a "Request for Applicants to Address Matters" (Paper 17). The Request was entered pursuant to then 37 CFR § 1.196(d) (2003) and set a period for response of three (3) months from entry of the Request.

The time for responding to the Request expired on 26 August 2004. In early September, the Board recognized that it had not received a response to the Request. The Clerk of the Board contacted counsel for applicants. On 13 September 2004, counsel forwarded to the Board via Federal Express a copy of a response

<sup>1</sup> Application for patent filed 26 April 2000. The real party in interest is Agilent Technologies, Inc. (Brief, Paper 14, page 2).

which had previously been timely mailed on 25 August 2004 to the USPTO via Express Mail. Unfortunately, the response forwarded to the USPTO on 25 August 2004 has not yet been matched with the file.

The copy of the response, sent via Federal Express, on 13 September 2004, and received by the Board on 14 September 2004, has been entered in the application file. Applicants are deemed to have timely responded to the Request.

In addition, on 6 August 2004, counsel for applicants had a telephone conversation with the Clerk of the Board to inquire as to whether a Reply Brief (Paper 18) had been received. Applicants are advised that the Reply Brief was received, has been entered in the application file and will be considered on its merits.

The appeal is before the merits panel and a decision will be entered in due course.

*m.gk*

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FRED E. MCKELVEY,  
Senior Administrative Patent Judge

15 September 2004  
Arlington, VA

cc (via First Class mail):

Agilent Technologies, Inc.  
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Intellectual Property Administration  
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With filing receipt

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